

1 AN ACT in relation to transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Toll Highway Act is amended by changing
5 Sections 10, 11, 17, 23, and 27.1 and by adding Sections 16.2,
6 16.3, and 27.2 as follows:

7 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

8 Sec. 10. The Authority shall have power:

9 (a) To pass resolutions, make by-laws, rules and
10 regulations for the management, regulation and control of its
11 affairs, and to fix tolls, and to make, enact and enforce all
12 needful rules and regulations in connection with the
13 construction, operation, management, care, regulation or
14 protection of its property or any toll highways, constructed or
15 reconstructed hereunder.

16 (a-5) To fix, assess, and collect civil fines for a
17 vehicle's operation on a toll highway without the required toll
18 having been paid. The Authority may establish by rule a system
19 of civil administrative adjudication to adjudicate only
20 alleged instances of a vehicle's operation on a toll highway
21 without the required toll having been paid, as detected by the
22 Authority's video or photo surveillance system. In cases in
23 which the operator of the vehicle is not the registered vehicle
24 owner, the establishment of ownership of the vehicle creates a
25 rebuttable presumption that the vehicle was being operated by
26 an agent of the registered vehicle owner. If the registered
27 vehicle owner liable for a violation under this Section was not
28 the operator of the vehicle at the time of the violation, the
29 owner may maintain an action for indemnification against the
30 operator in the circuit court. Rules establishing a system of
31 civil administrative adjudication must provide for written
32 notice, by first class mail or other means provided by law, to

1 the address of the registered owner of the cited vehicle as
2 recorded with the Secretary of State or to the lessee of the
3 cited vehicle at the last address known to the lessor of the
4 cited vehicle at the time of the lease, of the alleged
5 violation and an opportunity to be heard on the question of the
6 violation and must provide for the establishment of a toll-free
7 telephone number to receive inquiries concerning alleged
8 violations. The notice shall also inform the registered vehicle
9 owner that failure to contest in the manner and time provided
10 shall be deemed an admission of liability and that a final
11 order of liability may be entered on that admission. A duly
12 authorized agent of the Authority may perform or execute the
13 preparation, certification, affirmation, or mailing of the
14 notice. A notice of violation, sworn or affirmed to or
15 certified by a duly authorized agent of the Authority, or a
16 facsimile of the notice, based upon an inspection of
17 photographs, microphotographs, videotape, or other recorded
18 images produced by a video or photo surveillance system, shall
19 be admitted as prima facie evidence of the correctness of the
20 facts contained in the notice or facsimile. Only civil fines,
21 along with the corresponding outstanding toll, and costs may be
22 imposed by administrative adjudication. A fine may be imposed
23 under this paragraph only if a violation is established by a
24 preponderance of the evidence. Judicial review of all final
25 orders of the Authority under this paragraph shall be conducted
26 in the circuit court of the county in which the administrative
27 decision was rendered in accordance with the Administrative
28 Review Law.

29 Any outstanding toll, fine, additional late payment fine,
30 other sanction, or costs imposed, or part of any fine, other
31 sanction, or costs imposed, remaining unpaid after the
32 exhaustion of, or the failure to exhaust, judicial review
33 procedures under the Administrative Review Law are a debt due
34 and owing the Authority and may be collected in accordance with
35 applicable law. After expiration of the period in which
36 judicial review under the Administrative Review Law may be

1 sought, unless stayed by a court of competent jurisdiction, a
2 final order of the Authority under this subsection (a-5) may be
3 enforced in the same manner as a judgment entered by a court of
4 competent jurisdiction. Notwithstanding any other provision of
5 this Act, the Authority may, with the approval of the Attorney
6 General, retain a law firm or law firms with expertise in the
7 collection of government fines and debts for the purpose of
8 collecting fines, costs, and other moneys due under this
9 subsection (a-5).

10 A system of civil administrative adjudication may also
11 provide for a program of vehicle immobilization, tow, or
12 impoundment for the purpose of facilitating enforcement of any
13 final order or orders of the Authority under this subsection
14 (a-5) that result in a finding or liability for 5 or more
15 violations after expiration of the period in which judicial
16 review under the Administrative Review Law may be sought. The
17 registered vehicle owner of a vehicle immobilized, towed, or
18 impounded for nonpayment of a final order of the Authority
19 under this subsection (a-5) shall have the right to request a
20 hearing before the Authority's civil administrative
21 adjudicatory system to challenge the validity of the
22 immobilization, tow, or impoundment. This hearing, however,
23 shall not constitute a readjudication of the merits of
24 previously adjudicated notices. Judicial review of all final
25 orders of the Authority under this subsection (a-5) shall be
26 conducted in the circuit court of the county in which the
27 administrative decision was rendered in accordance with the
28 Administrative Review Law.

29 No commercial entity that is the lessor of a vehicle under
30 a written lease agreement shall be liable for an administrative
31 notice of violation for toll evasion issued under this
32 subsection (a-5) involving that vehicle during the period of
33 the lease if the lessor provides a copy of the leasing
34 agreement to the Authority within 21 days of the issue date on
35 the notice of violation. The leasing agreement also must
36 contain a provision or addendum informing the lessee that the

1 lessee is liable for payment of all tolls and any fines for
2 toll evasion. Each entity must also post a sign at the leasing
3 counter notifying the lessee of that liability. The copy of the
4 leasing agreement provided to the Authority must contain the
5 name, address, and driver's license number of the lessee, as
6 well as the check-out and return dates and times of the vehicle
7 and the vehicle license plate number and vehicle make and
8 model.

9 As used in this subsection (a-5), "lessor" includes
10 commercial leasing and rental entities but does not include
11 public passenger vehicle entities.

12 The Authority shall establish an amnesty program for
13 violations adjudicated under this subsection (a-5). Under the
14 program, any person who has an outstanding notice of violation
15 for toll evasion or a final order of a hearing officer for toll
16 evasion dated prior to the effective date of this amendatory
17 Act of the 94th General Assembly and who pays to the Authority
18 the full percentage amounts listed in this paragraph remaining
19 due on the notice of violation or final order of the hearing
20 officer and the full fees and costs paid by the Authority to
21 the Secretary of State relating to suspension proceedings, if
22 applicable, on or before 5:00 p.m., Central Standard Time, of
23 the 60th day after the effective date of this amendatory Act of
24 the 94th General Assembly shall not be required to pay more
25 than the listed percentage of the original fine amount and
26 outstanding toll as listed on the notice of violation or final
27 order of the hearing officer and the full fees and costs paid
28 by the Authority to the Secretary of State relating to
29 suspension proceedings, if applicable. The payment percentage
30 scale shall be as follows: a person with 25 or fewer violations
31 shall be eligible for amnesty upon payment of 50% of the
32 original fine amount and the outstanding tolls; a person with
33 more than 25 but fewer than 51 violations shall be eligible for
34 amnesty upon payment of 60% of the original fine amount and the
35 outstanding tolls; and a person with 51 or more violations
36 shall be eligible for amnesty upon payment of 75% of the

1 original fine amount and the outstanding tolls. In such a
2 situation, the Executive Director of the Authority or his or
3 her designee is authorized and directed to waive any late fine
4 amount above the applicable percentage of the original fine
5 amount. Partial payment of the amount due shall not be a basis
6 to extend the amnesty payment deadline nor shall it act to
7 relieve the person of liability for payment of the late fine
8 amount. In order to receive amnesty, the full amount of the
9 applicable percentage of the original fine amount and
10 outstanding toll remaining due on the notice of violation or
11 final order of the hearing officer and the full fees and costs
12 paid by the Authority to the Secretary of State relating to
13 suspension proceedings, if applicable, must be paid in full by
14 5:00 p.m., Central Standard Time, of the 60th day after the
15 effective date of this amendatory Act of the 94th General
16 Assembly. This amendatory Act of the 94th General Assembly has
17 no retroactive effect with regard to payments already tendered
18 to the Authority that were full payments or payments in an
19 amount greater than the applicable percentage, and this Act
20 shall not be the basis for either a refund or a credit. This
21 amendatory Act of the 94th General Assembly does not apply to
22 toll evasion citations issued by the Illinois State Police or
23 other authorized law enforcement agencies and for which payment
24 may be due to or through the clerk of the circuit court. The
25 Authority shall adopt rules as necessary to implement the
26 provisions of this amendatory Act of the 94th General Assembly.
27 The Authority, by a resolution of the Board of Directors, shall
28 have the discretion to implement similar amnesty programs in
29 the future. The Authority, at its discretion and in
30 consultation with the Attorney General, is further authorized
31 to settle an administrative fine or penalty if it determines
32 that settling for less than the full amount is in the best
33 interests of the Authority after taking into account the
34 following factors: (1) the merits of the Authority's claim
35 against the respondent; (2) the amount that can be collected
36 relative to the administrative fine or penalty owed by the

1 respondent; (3) the cost of pursuing further enforcement or
2 collection action against the respondent; (4) the likelihood of
3 collecting the full amount owed; and (5) the burden on the
4 judiciary. The provisions in this Section may be extended to
5 other toll facilities in the State of Illinois through a duly
6 executed agreement between the Authority and the operator of
7 the toll facility.

8 (b) To prescribe rules and regulations applicable to
9 traffic on highways under the jurisdiction of the Authority,
10 concerning:

11 (1) Types of vehicles permitted to use such highways or
12 parts thereof, and classification of such vehicles;

13 (2) Designation of the lanes of traffic to be used by
14 the different types of vehicles permitted upon said
15 highways;

16 (3) Stopping, standing, and parking of vehicles;

17 (4) Control of traffic by means of police officers or
18 traffic control signals;

19 (5) Control or prohibition of processions, convoys,
20 and assemblages of vehicles and persons;

21 (6) Movement of traffic in one direction only on
22 designated portions of said highways;

23 (7) Control of the access, entrance, and exit of
24 vehicles and persons to and from said highways; and

25 (8) Preparation, location and installation of all
26 traffic signs; and to prescribe further rules and
27 regulations applicable to such traffic, concerning matters
28 not provided for either in the foregoing enumeration or in
29 the Illinois Vehicle Code. Notice of such rules and
30 regulations shall be posted conspicuously and displayed at
31 appropriate points and at reasonable intervals along said
32 highways, by clearly legible markers or signs, to provide
33 notice of the existence of such rules and regulations to
34 persons traveling on said highways. At each toll station,
35 the Authority shall make available, free of charge,
36 pamphlets containing all of such rules and regulations.

1 (c) The Authority, in fixing the rate for tolls for the
2 privilege of using the said toll highways, is authorized and
3 directed, in fixing such rates, to base the same upon annual
4 estimates to be made, recorded and filed with the Authority.
5 Said estimates shall include the following: The estimated total
6 amount of the use of the toll highways; the estimated amount of
7 the revenue to be derived therefrom, which said revenue, when
8 added to all other receipts and income, will be sufficient to
9 pay the expense of maintaining and operating said toll
10 highways, including the administrative expenses of the
11 Authority, and to discharge all obligations of the Authority as
12 they become due and payable.

13 (d) To accept from any municipality or political
14 subdivision any lands, easements or rights in land needed for
15 the operation, construction, relocation or maintenance of any
16 toll highways, with or without payment therefor, and in its
17 discretion to reimburse any such municipality or political
18 subdivision out of its funds for any cost or expense incurred
19 in the acquisition of land, easements or rights in land, in
20 connection with the construction and relocation of the said
21 toll highways, widening, extending roads, streets or avenues in
22 connection therewith, or for the construction of any roads or
23 streets forming extension to and connections with or between
24 any toll highways, or for the cost or expense of widening,
25 grading, surfacing or improving any existing streets or roads
26 or the construction of any streets and roads forming extensions
27 of or connections with any toll highways constructed,
28 relocated, operated, maintained or regulated hereunder by the
29 Authority. Where property owned by a municipality or political
30 subdivision is necessary to the construction of an approved
31 toll highway, if the Authority cannot reach an agreement with
32 such municipality or political subdivision and if the use to
33 which the property is being put in the hands of the
34 municipality or political subdivision is not essential to the
35 existence or the administration of such municipality or
36 political subdivision, the Authority may acquire the property

1 by condemnation.

2 (Source: P.A. 89-120, eff. 7-7-95.)

3 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

4 Sec. 11. The Authority shall have power:

5 (a) To enter upon lands, waters and premises in the State
6 for the purpose of making surveys, soundings, drillings and
7 examinations as may be necessary, expedient or convenient for
8 the purposes of this Act, and such entry shall not be deemed to
9 be a trespass, nor shall an entry for such purpose be deemed an
10 entry under any condemnation proceedings which may be then
11 pending; provided, however, that the Authority shall make
12 reimbursement for any actual damage resulting to such lands,
13 waters and premises as the result of such activities.

14 (b) To construct, maintain and operate stations for the
15 collection of tolls or charges upon and along any toll
16 highways.

17 (c) To provide for the collection of tolls and charges for
18 the privilege of using the said toll highways. Before it adopts
19 an increase in the rates for toll, the Authority shall hold a
20 public hearing at which any person may appear, express
21 opinions, suggestions, or objections, or direct inquiries
22 relating to the proposed increase. Any person may submit a
23 written statement to the Authority at the hearing, whether
24 appearing in person or not. The hearing shall be held in the
25 county in which the proposed increase of the rates is to take
26 place. The Authority shall give notice of the hearing by
27 advertisement on 3 successive days at least 15 days prior to
28 the date of the hearing in a daily newspaper of general
29 circulation within the county within which the hearing is held.
30 The notice shall state the date, time, and place of the
31 hearing, shall contain a description of the proposed increase,
32 and shall specify how interested persons may obtain copies of
33 any reports, resolutions, or certificates describing the basis
34 on which the proposed change, alteration, or modification was
35 calculated. After consideration of any statements filed or oral

1 opinions, suggestions, objections, or inquiries made at the
2 hearing, the Authority may proceed to adopt the proposed
3 increase of the rates for toll. No change or alteration in or
4 modification of the rates for toll shall be effective unless at
5 least 30 days prior to the effective date of such rates notice
6 thereof shall be given to the public by publication in a
7 newspaper of general circulation, and such notice, or notices,
8 thereof shall be posted and publicly displayed at each and
9 every toll station upon or along said toll highways.

10 (d) To construct, at the Authority's discretion, grade
11 separations at intersections with any railroads, waterways,
12 street railways, streets, thoroughfares, public roads or
13 highways intersected by the said toll highways, and to change
14 and adjust the lines and grades thereof so as to accommodate
15 the same to the design of such grade separation and to
16 construct interchange improvements. The Authority is
17 authorized to provide such grade separations or interchange
18 improvements at its own cost or to enter into contracts or
19 agreements with reference to division of cost therefor with any
20 municipality or political subdivision of the State of Illinois,
21 or with the Federal Government, or any agency thereof, or with
22 any corporation, individual, firm, person or association.
23 Where such structures have been built by the Authority and a
24 local highway agency did not enter into an agreement to the
25 contrary, the Authority shall maintain the entire structure,
26 including the road surface, at the Authority's expense.

27 (e) To contract with and grant concessions to or lease or
28 license to any person, partnership, firm, association or
29 corporation so desiring the use of any part of any toll
30 highways, excluding the paved portion thereof, but including
31 the right of way adjoining, under, or over said paved portion
32 for the placing of telephone, telegraph, electric, power lines
33 and other utilities, and for the placing of pipe lines, and to
34 enter into operating agreements with or to contract with and
35 grant concessions to or to lease to any person, partnership,
36 firm, association or corporation so desiring the use of any

1 part of the toll highways, excluding the paved portion thereof,
2 but including the right of way adjoining, or over said paved
3 portion for motor fuel service stations and facilities,
4 garages, stores and restaurants, or for any other lawful
5 purpose, and to fix the terms, conditions, rents, rates and
6 charges for such use.

7 The Authority shall also have power to establish reasonable
8 regulations for the installation, construction, maintenance,
9 repair, renewal, relocation and removal of pipes, mains,
10 conduits, cables, wires, towers, poles and other equipment and
11 appliances (herein called public utilities) of any public
12 utility as defined in the Public Utilities Act along, over or
13 under any toll road project. Whenever the Authority shall
14 determine that it is necessary that any such public utility
15 facilities which now are located in, on, along, over or under
16 any project or projects be relocated or removed entirely from
17 any such project or projects, the public utility owning or
18 operating such facilities shall relocate or remove the same in
19 accordance with the order of the Authority. All costs and
20 expenses of such relocation or removal, including the cost of
21 installing such facilities in a new location or locations, and
22 the cost of any land or lands, or interest in land, or any
23 other rights required to accomplish such relocation or removal
24 shall be ascertained and paid by the Authority as a part of the
25 cost of any such project or projects, and further, there shall
26 be no rent, fee or other charge of any kind imposed upon the
27 public utility owning or operating any facilities ordered
28 relocated on the properties of the said Authority and the said
29 Authority shall grant to the said public utility owning or
30 operating said facilities and its successors and assigns the
31 right to operate the same in the new location or locations for
32 as long a period and upon the same terms and conditions as it
33 had the right to maintain and operate such facilities in their
34 former location or locations.

35 (f) To enter into an intergovernmental agreement or
36 contract with a unit of local government or other public or

1 private entity for the collection, enforcement, and
2 administration of tolls, fees, revenue, and violations.

3 (Source: P.A. 90-681, eff. 7-31-98.)

4 (605 ILCS 10/16.2 new)

5 Sec. 16.2. Financial benefit prohibited.

6 (a) A director, employee, or agent of the Authority may not
7 receive a financial benefit from a contract let by the
8 Authority during his or her term of service with the Authority
9 and for a period of one year following the termination of his
10 or her term of service as a director of the Authority or as an
11 employee or agent of the Authority.

12 (b) A member of the immediate family or household of a
13 director, employee, or agent of the Authority may not receive a
14 financial benefit from a contract let by the Authority during
15 the immediate family or household member's term of service with
16 the Authority and for a period of one year following the
17 termination of the immediate family or household member's term
18 of service as a director of the Authority or as an employee or
19 agent of the Authority.

20 (c) A director, employee, or agent of the Authority may not
21 use material non-public information for personal financial
22 gain nor may he or she disclose that information to any other
23 person for that person's personal financial gain when that
24 information was obtained as a result of his or her
25 directorship, employment, or agency with the Authority.

26 (d) A member of the immediate family or household of a
27 director, employee, or agent of the Authority may not use
28 material non-public information for personal financial gain
29 nor may he or she disclose that information to any other person
30 for that person's personal financial gain when that information
31 was obtained as a result of his or her immediate family or
32 household member's directorship, employment, or agency with
33 the Authority.

34 (e) For purposes of this Section, "immediate family or
35 household member" means the spouse, child, parent, brother,

1 sister, grandparent, or grandchild, whether of the whole blood
2 or half blood or by adoption, or a person who shares a common
3 dwelling with a director of the Authority or with an employee
4 or agent of the Authority.

5 (605 ILCS 10/16.3 new)

6 Sec. 16.3. Consistent with general law, the Authority
7 shall:

8 (a) set goals for the award of contracts to disadvantaged
9 businesses and attempt to meet the goals;

10 (b) attempt to identify disadvantaged businesses that
11 provide or have the potential to provide supplies, materials,
12 equipment, or services to the Authority;

13 (c) give disadvantaged businesses full access to the
14 Authority's contact bidding process, inform the businesses
15 about the process, offer the businesses assistance concerning
16 the process, and identify and take all reasonable steps to
17 remove barriers to the businesses' participation in the
18 process.

19 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

20 Sec. 23. Legislative declaration; Authority budget.

21 (a) It is hereby declared, as a matter of legislative
22 determination, that it is in the best interest of the State of
23 Illinois, the public, and the holders of Authority bonds that
24 Authority funds be expended only on goods and services that
25 protect and enhance the efficiency, safety, and environmental
26 quality of the toll highway system.

27 (b) The Authority shall spend moneys received from the
28 issuance of bonds and as tolls or otherwise in the operation of
29 the toll highway system only on the following:

30 (1) operations and maintenance expenditures that are
31 reasonable and necessary to keep the toll highway system in
32 a state of good repair in accordance with contemporary
33 highway safety and maintenance standards;

34 (2) principal and interest payments and payment of

1 other obligations the Authority has incurred in connection
2 with bonds issued under this Act;

3 (3) renewal and replacement expenditures necessary and
4 sufficient to protect and preserve the long-term
5 structural integrity of the toll highway system; and

6 (4) system improvement expenditures necessary and
7 sufficient to improve and expand the toll highway system,
8 subject to the requirements of this Act.

9 (c) Any moneys remaining after the expenditures listed in
10 subsection (b) may be spent only for reasonable and necessary
11 Authority purposes that will enhance the safety, efficiency,
12 and environmental quality of the toll highway system in a
13 cost-effective manner. Authority funds may not be spent for
14 purposes not reasonably related to toll highway operations and
15 improvements or in a manner that is not cost-effective.

16 (d) The Authority must at all times maintain a reserve for
17 maintenance and operating expenses that is no more than 130% of
18 the operating expenses it has budgeted for its current fiscal
19 year, unless the requirements of any bond resolution or trust
20 indenture then securing obligations of the Authority mandate a
21 greater amount.

22 (e) The Authority shall file with the Governor, the Clerk
23 of the House of Representatives, the Secretary of the Senate,
24 and the Commission on Government Forecasting and
25 Accountability, on or prior to March 15th of each year, a
26 written statement and report covering its activities for the
27 preceding calendar year. The Authority shall present, to the
28 committees of the House of Representatives designated by the
29 Speaker of the House and to the committees of the Senate
30 designated by the President of the Senate, an annual report
31 outlining its planned revenues and expenditures. The Authority
32 shall prepare an annual capital plan which identifies capital
33 projects by location and details the project costs in correct
34 dollar amounts. The Authority shall also prepare and file a
35 ten-year capital plan that includes a listing of all capital
36 improvement projects contemplated during the ensuing ten-year

1 period. The first ten-year capital plan shall be filed in 1991
2 and thereafter on the anniversary of each ten-year period.

3 (f) It shall ~~also~~ be the duty of the Auditor General of the
4 State of Illinois, annually to audit or cause to be audited the
5 books and records of the Authority and to file a certified copy
6 of the report of such audit with the Governor and with the
7 Legislative Audit Commission, which audit reports, when so
8 filed, shall be open to the public for inspection.

9 (g) The Authority shall hold a public hearing on its
10 proposed annual budget, not less than 15 days before its
11 directors meet to consider adoption of the annual budget, at
12 which any person may appear, express opinions, suggestions, or
13 objections, or direct inquiries relating to the proposed
14 budget. The Authority must give notice of the hearing at least
15 15 days prior to the hearing stating the time, place, and
16 purpose of the hearing in a daily newspaper of general
17 circulation throughout the Authority's service area and by
18 posting the meeting notice and a copy of the proposed budget on
19 the Authority's website. The proceedings at the hearing shall
20 be transcribed. The transcript shall be made available at
21 reasonable hours for public inspection, and a copy of the
22 transcript, together with a copy of all written statements
23 submitted at the hearing, shall be submitted to the directors
24 before the vote on adoption of the proposed annual budget.

25 (h) The Authority shall post on its website copies of its
26 annual report and its budget for the current year, along with
27 any other financial information necessary to adequately inform
28 the public of the Authority's financial condition and capital
29 plan.

30 (i) The requirements set forth in subsections (b) through
31 (g) may not be construed or applied in a manner that impairs
32 the rights of bondholders under any bond resolution or trust
33 indenture entered into in accordance with a bond resolution
34 authorized by the Authority's directors, nor may those
35 requirements be construed as a limitation on the Authority's
36 powers as set forth elsewhere in this Act.

1 (Source: P.A. 93-1067, eff. 1-15-05.)

2 (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

3 Sec. 27.1. Any person who shall use any spurious or
4 counterfeit tickets, coupons or tokens in payment of any toll
5 required to be paid by the Authority under the provisions of
6 this Act, or who shall attempt to use the highway without
7 payment of the tolls prescribed by the Authority, shall be
8 deemed guilty of a petty offense and shall be fined not less
9 than \$5 nor more than \$100 for each such offense. The fine
10 range set forth in this Section for prosecution of toll evasion
11 as a petty offense shall not apply to toll evasion offenses
12 that are adjudicated in the Authority's administration system.

13 The provisions in this Section may be extended to other
14 public toll facilities in this State through a duly executed
15 intergovernmental agreement between the Authority and another
16 public body ~~Each day any toll highway is used by any person in~~
17 ~~violation of this Act shall constitute a separate offense.~~

18 (Source: P.A. 77-2239.)

19 (605 ILCS 10/27.2 new)

20 Sec. 27.2. Obstruction of registration plate visibility to
21 electronic image recording.

22 (a) A person may not operate on a toll highway any motor
23 vehicle that is equipped with tinted plastic or tinted glass
24 registration plate covers or any covers, coating, wrappings,
25 materials, streaking, distorting, holographic, reflective, or
26 other devices that obstruct the visibility or electronic image
27 recording of the plate. This subsection (a) shall not apply to
28 automatic vehicle identification transponder devices, cards or
29 chips issued by a governmental body or authorized by a
30 governmental body for the purpose of electronic payment of
31 tolls or other authorized payments, the exemption of which
32 shall preempt any local legislation to the contrary.

33 (b) If a State or local law enforcement officer having
34 jurisdiction observes that a cover or other device or material

1 or substance is obstructing the visibility or electronic image
2 recording of the plate, the officer shall issue a Uniform
3 Traffic Citation and shall confiscate the cover or other device
4 that obstructs the visibility or electronic image recording of
5 the plate. If the State or local law enforcement officer having
6 jurisdiction observes that the plate itself has been physically
7 treated with a substance or material that is obstructing the
8 visibility or electronic image recording of the plate, the
9 officer shall issue a Uniform Traffic Citation and shall
10 confiscate the plate. The Secretary of State shall revoke the
11 registration of any plate that has been found by a court or
12 administrative tribunal to have been physically altered with
13 any chemical or reflective substance or coating that obstructs
14 the visibility or electronic image recording of the plate. A
15 fine of \$750 shall be imposed in any instance where a plate
16 cover obstructs the visibility or electronic image recording of
17 the plate. A fine of \$1,000 shall be imposed where a plate has
18 been physically altered with any chemical or reflective
19 substance or coating that obstructs the visibility or
20 electronic image recording of the plate.

21 (c) The Illinois Attorney General may file suit against any
22 individual or entity offering or marketing the sale, including
23 via the Internet, of any product advertised as having the
24 capacity to obstruct the visibility or electronic image
25 recording of a license plate. In addition to injunctive and
26 monetary relief, punitive damages, and attorneys fees, the suit
27 shall also seek a full accounting of the records of all sales
28 to residents of or entities within the State of Illinois.

29 (d) The provisions in this Section may be extended to other
30 public toll facilities in the State of Illinois through a duly
31 executed intergovernmental agreement between the Authority and
32 another public body.

33 Section 99. Effective date. This Act takes effect upon
34 becoming law.